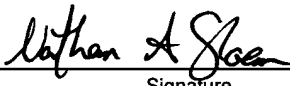
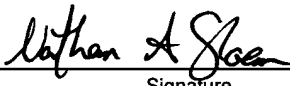
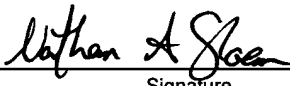


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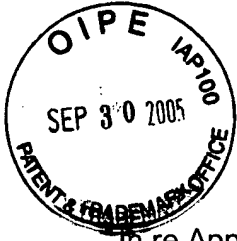
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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 06502 - 0364									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number 10/035,747	Filed 12/28/2001									
	First Named Inventor Guy L. Steele, Jr.										
	Art Unit 2193	Examiner Tan V. Mai									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table border="0"><tr><td><input type="checkbox"/> applicant/inventor.</td><td> Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td>Nathan A. Sloan Typed or printed name</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,249</td><td>202.408.4312 Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</td><td>9/30/05 Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of 1 forms are submitted.</p>				<input type="checkbox"/> applicant/inventor.	 Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Nathan A. Sloan Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,249	202.408.4312 Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	9/30/05 Date
<input type="checkbox"/> applicant/inventor.	 Signature										
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Nathan A. Sloan Typed or printed name										
<input checked="" type="checkbox"/> attorney or agent of record. Registration number 56,249	202.408.4312 Telephone number										
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	9/30/05 Date										

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXPEDITED PROCEDURE REQUESTED
EXAMINING GROUP 2193
PATENT
Customer No. 22,852
Attorney Docket No. 06502.0364-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Guy L. STEELE, Jr.)	Group Art Unit: 2193
)	
Application No.: 10/035,747)	Examiner: Mai, Tan V.
)	
Filed: December 28, 2001)	Confirmation No.: 3637
)	
For: FLOATING POINT SYSTEM THAT)	
REPRESENTS STATUS FLAG)	
INFORMATION WITHIN A)	
FLOATING POINT OPERAND)	

Mail Stop AF
Commissioner for Patents
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Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests a pre-appeal brief review of the rejections in the Office Actions mailed on November 15, 2004 and June 6, 2005. This Request is being filed concurrently with a Notice of Appeal, in accordance with the Official Gazette Notice of July 12, 2005.

This Pre-Appeal Brief request for review follows the Examiner's Advisory Action mailed August 30, 2005, which merely states "[t]he Examiner believes the rejections are proper." (Advisory Action at p. 1). None of the points raised in the Request for Reconsideration ("*RFR*") mailed August 4, 2005 have been addressed by the Examiner.

Claims 1-54 remain pending, with claims 1-54 being the subject of this Pre-Appeal Brief request for review.

Remarks begin on page 2 of this paper.

REMARKS

In the Final Office Action, the Examiner separately rejected claims 1-5, 21-31, and 33-54 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,995,991 to Huang et al. ("*Huang*") and as being anticipated by U.S. Patent No. 6,009,511 to Lynch et al. ("*Lynch*"); and separately rejected claims 6-20 and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Huang* and as being unpatentable over *Lynch*.

I. The rejection of claims 1-5, 21-31, and 33-54 under 35 U.S.C. § 102(b) as being anticipated by *Huang* is improper.

The Examiner's rejection contains clear errors and omits essential elements necessary to establish anticipation with respect to claims 1-5, 21-31, and 33-54 based on *Huang*. *Huang* does not teach or suggest each and every element of Applicant's claims. The Examiner has not addressed numerous elements recited by independent claims 21, 27, 33, 40, 44, and 51 (see *RFR* at pp. 4-7 and Office Action mailed November 15, 2004 at p. 3). *Huang* does not teach or suggest these elements.

Claim 1 recites a combination including, for example, an "operand data structure ... having embedded status information." Independent claim 21 recites a combination including, for example, "a ... processing unit ... storing status information within the processed floating point operand." Independent claim 27 recites a combination including, for example, "a ... processing unit ... to ... embed the status information within the ... operand."

Independent claim 33 recites a combination including, for example, "A method of encoding a floating point operand with status information without maintaining the status information in a floating point status register, comprising: ... representing an updated status ... within the ... operand" (emphasis added). Independent claims 40, 44, and 51, although of different scope, recite elements similar to elements recited by independent claim 33.

The Examiner appears to assert that *Huang's* register 116 (Fig. 4) constitutes the claimed "operand." This is clearly wrong.

Huang specifically distinguishes between a register and an operand, stating "each of the **registers** 116 and 118 has an **operand . . . portion** 116-1 and 118-1." (*Huang*, col. 6, line 66-col. 7, line 1). Moreover, "**operands** X and Y [are] stored in **operand portions** 116-1 and 118-1 of **registers** 116 and 118." (*Huang*, col. 7, lines 8-10). Even assuming that tag values x_tag and y_tag correspond to the claimed "status information," (which Applicant does not concede) the Examiner's contention that *Huang's* register 116 containing x_tag 116-2 constitutes the claimed "operand . . . having embedded status information" is clearly contradicted by *Huang*. See, e.g., *RFR* at pp. 6-7. Moreover, such teachings certainly do not constitute a teaching or suggestion of "encoding a floating point operand with status information without maintaining the status information in a floating point status register," as recited by claims 33, 40, 44, and 51.

Structures such as those taught by *Huang* were acknowledged in the Background section of Applicant's specification, which states "conditions are typically represented by flags [a form of status information] that are stored in the floating point status register" (paragraph 031). Claims 1, 21, 27, 33, 40, 44, and 51 specifically distinguish over such structures, calling for "encoding," "embedding," or "storing" "status information within the . . . operand." See, e.g., Fig. 4, paragraph 061, and paragraph 063 of Applicant's specification.

Accordingly, the Examiner's position that *Huang's* register 116 constitutes an "operand," as recited in the claims, is a clear error. The separate operand 116-1 and separate tag value 116-2 of *Huang* do not constitute a teaching or suggestion of "encoding," "embedding," or "storing" "status information within the . . . operand," as recited by independent claims 1, 21, 27, 33, 40, 44, and 51 and required by dependent claims 2-5, 22-26, 28-31, 34-39, 41-43, 45-50, and 52-54. Since *Huang* fails to teach each and every element of the claims, the rejection of claims 1-5, 21-31, and 33-54

under 35 U.S.C. § 102(b) based on *Huang* is improper. Applicant requests the board of examiners to allow these claims.

II. The rejection of claims 1-5, 21-31, and 33-54 under 35 U.S.C. § 102(b) as being anticipated by *Lynch* is improper.

The Examiner's rejections contain clear errors and omit essential elements necessary to establish anticipation with respect to claims 1-5, 21-31, and 33-54 based on *Lynch*. The Examiner has not addressed numerous elements recited by independent claims 21, 27, 33, 40, and 44 (see *RFR* at pp. 10-13 and Office Action mailed November 15, 2004 at p. 3). Similar to the discussion of *Huang* above, *Lynch* fails to teach or suggest "embedding," "encoding," or "storing" "status information within the ... operand," as recited by independent claims 1, 21, 27, 33, 40, 44, and 51 and required by dependent claims 2-5, 22-26, 28-31, 34-39, 41-43, 45-50, and 52-54.

The rejection does not make clear what portion(s) of *Lynch* allegedly teaches the claimed "status information." However, even assuming that *Lynch*'s tag value constitutes "status information," (which Applicant does not concede) the tag value of *Lynch* is not embedded, encoded, or stored "within the ... operand," as recited by independent claims 1, 21, 27, 33, 40, 44, and 51.

The Examiner appears to assert that *Lynch*'s element 84 (Fig. 4) constitutes an "operand" which contains tag field 89 (alleged status information) (see Office Action mailed November 15, 2004 at p. 3). This is incorrect. *Lynch* specifically states that element 84 is a register stack, not an operand, and that register stack 84 contains a separate Reg Field 87 for storing an operand and a separate Tag Field 89 for storing a tag (alleged status information). See *RFR* at pp. 8-9. Fig. 4 of *Lynch* clearly illustrates that Tag Field 89 (status information) and Reg Field 87 (operand) are separate from each other and stored within register stack 84. This does not constitute a teaching or suggestion of "embedding," "encoding," or "storing" "status information within the ... operand," as recited by independent claims 1, 21, 27, 33, 40, 44, and 51 and required by dependent claims 2-5, 22-26, 28-31, 34-39, 41-43, 45-50, and 52-54. Moreover, such teachings certainly do not

constitute a teaching or suggestion of "encoding a floating point operand with status information without maintaining the status information in a floating point status register," as recited by claims 33, 40, 44, and 51.

Thus, the rejection of claims 1-5, 21-31, and 33-54 under 35 U.S.C. § 102(b) based on *Lynch* is improper. Applicant requests the board of examiners to allow these claims.

III. The separate rejections of claims 6-20 and 32 under 35 U.S.C. § 103(a) as being unpatentable over *Huang* and *Lynch* are improper.

The Examiner's rejections contain clear errors and omit essential elements necessary to establish a *prima facie* case of obviousness with respect to claims 6-20 and 32 based on *Huang* and *Lynch*. Independent claim 16 recites a combination including, for example, an "operand data structure ... wherein at least one of the first data field, second data field, and third data field further includes embedded status information" (emphasis added). As discussed above, neither *Huang* or *Lynch* teach or suggest this element. Claims 6-15, 17-20, and 32 depend from independent claims 1, 16, and 27 and therefore include all of the elements recited therein.

Accordingly, at least for the reasons discussed above, no *prima facie* case of obviousness has been established with respect to claims 6-20 and 32. Applicant requests the board of examiners to allow these claims.

In view of the foregoing, claims 1-54 are in condition for allowance. Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2005

By: Nathan A. Sloan
Nathan A. Sloan
Reg. No. 56,249